

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

PATRICK L. KENNEDY,

Petitioner,

-v-

**ERNIE MOORE, Warden,
Lebanon Correctional Institution,**

Respondent.

Case No. 3:14-cv-115

**Judge Thomas M. Rose
Magistrate Judge Michael R. Merz**

ENTRY AND ORDER OVERRULING KENNEDY'S OBJECTIONS (Doc. #5) TO THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (Doc. #3); OVERRULING KENNEDY'S OBJECTIONS (Doc. # 10) TO THE MAGISTRATE JUDGE'S SUPPLEMENTAL REPORT AND RECOMMENDATIONS (Doc. #8); DISMISSING KENNEDY'S PETITION FOR A WRIT OF HABEAS CORPUS WITH PREJUDICE; DENYING A CERTIFICATE OF APPEALABILITY AND CERTIFYING THAT ANY APPEAL WOULD BE OBJECTIVELY FRIVOLOUS

Pro se Petitioner Patrick L. Kennedy ("Kennedy") has filed a Petition for a Writ of Habeas Corpus. Upon initial review pursuant to Rule 4 of the Rules Governing § 2254 cases, Magistrate Judge Michael R. Merz issued a Report and Recommendations (doc. #3) and a Supplemental Report and Recommendations (doc. #8) recommending that Kennedy's Petition be dismissed with prejudice, that Kennedy be denied a certificate of appealability and that the Court certify to the Sixth Circuit that any appeal of this Order would be objectively frivolous.

Kennedy objected (doc. #5) to the Report and Recommendations and to the Supplemental Report and Recommendations (doc. #10). The Warden has not yet appeared and has not been served with Kennedy's Objections. This matter is, therefore, ripe for decision.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the

District Judge has made a de novo review of the record in this case. Upon said review, the Court finds that Kennedy's Objections to the Magistrate Judge's Report and Recommendations and Kennedy's Objections to the Magistrate Judge's Supplemental Report and Recommendations are not well-taken, and they are hereby OVERRULED. The Magistrate Judge's Report and Recommendations and Supplemental Report and Recommendations are adopted in their entirety.

Kennedy's Petition for a Writ of Habeas Corpus is dismissed with prejudice. Further, Kennedy is denied a certificate of appealability and any appeal of this matter would be objectively frivolous. Finally, the captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

DONE and **ORDERED** in Dayton, Ohio this Sixth Day of August, 2014.

s/**Thomas M. Rose**

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Patrick L. Kennedy at his last address of record